

**SUMMARY OF THE
PROFICIENCY TESTING COMMITTEE MEETING
FEBRUARY 23, 1999**

The Proficiency Testing (PT) Committee of the National Environmental Laboratory Accreditation Conference (NELAC) met by teleconference on Tuesday, February 23, 1999, at 1 p.m. Eastern Standard Time (EST). The meeting was led by its Chair, Ms. Anne Rhyne of the Texas Natural Resource Conservation Commission. A list of action items is given in Attachment A. A list of participants is given in Attachment B. *The principle purpose of the meeting was to discuss state selection of PT providers.*

INTRODUCTION

Ms. Rhyne began the meeting by reviewing the Action Items from the February 9, 1999 meeting by teleconference:

1. Ms. Rhyne is working on draft language for Section C.5.1 to define the minimum number of analytes to be included in a proficiency testing (PT) sample, and the total number allowed. This should be ready by March 19, 1999 and will be sent to the PT Committee for review.
2. PT Committee members are to review Chapter 2 and compile a list of terms for the NELAC Combined Glossary. Ms. Rhyne reminded the committee that any contributions should be submitted by 3/5/99 so that Ms. Barbara Burmeister can prepare the final list for Mr. Tom McAninch.
3. Ms. Michelle Kropilak has reviewed all of the NELAC chapters for inconsistencies related to proficiency testing. She found that only Chapter 4 contained inconsistencies with Chapter 2, specifically related to the definition of "fields of testing." Ms. Kropilak sent a summary of these inconsistencies to Ms. Marge Prevost on February 10, 1999.
4. Mr. Matt Caruso is currently working on organizing members for the Solid Waste Subcommittee. Their first meeting has not yet been scheduled.

CURRENT ISSUES

California Environmental Laboratory Accreditation Program

In a letter dated January 19, 1999, Dr. Theodore Belsky of the California Department of Health announced an upcoming water supply (WS), water pollution (WP), and hazardous waste (HW) study series provided by the State of California for its accreditation program. This letter invited Federal and State laboratories to participate as reference laboratories. The first paragraph (last sentence) of this announcement stated that "participation in one or more of these WS and WP studies will satisfy Federal requirements."

A participant voiced concern that the letter implies that Federal and/or State primacy laboratories' participation in the California PT program would "satisfy Federal requirements," and he questioned the validity of this statement. One explanation that was given was that this

announcement means that California is implementing their PT program using a two-tiered approach: state level and national level (NELAC). The program described in this announcement was designed to meet the California-only (state level) tier. This discussion was not resolved and will be continued in the next committee meeting.

State Selection of PT Providers

The last sentence in Section 2.2.4 (proposed language) reads, “Accrediting authorities shall accept for the purpose of initial and continuing accreditation, PT results from any NELAP-approved provider that meets the requirements of this standard.” It was requested that the word “any” be changed to “a.” as this change would make it more general without changing the meaning of the sentence. New Jersey proposes to contract with providers so that they can serve as an advocate for the laboratories in their state and serve as the “middleman” between the laboratories and the providers. Ms. Michele Kropilak stated, however, that New Jersey will still accept data from other providers.

This deliberation developed into a discussion about rules for invalidating a PT study. States cannot invalidate samples, because if they did so, it would be using rules that were not “peer-reviewed” within NELAC. The National Institute of Standards and Technology (NIST) will not invalidate samples but will only investigate and possibly de-accredit a provider. It is up to the PT provider to invalidate their own samples, and the standard currently requires them to do so and notify all the affected laboratories and accrediting authorities within a specified number of days.

Ms. Kropilak said that New Jersey will not be invalidating studies, so there will be no reciprocity issues. Rather, if New Jersey recognizes a problem, they will bring it to the attention of the provider. Because New Jersey has a contract with the provider, it is believed that the State will carry more weight than an individual laboratory in solving such problems. In this way, the State can act as an advocate for the laboratory.

The committee did not agree on changing the word “any” to “a” in Section 2.2.4. However, they did agree that the language needed to be clarified to say that States cannot invalidate studies and have no authority over the providers, but they can act as advocates for their laboratories. It was suggested that the language should stipulate that a State can contract with a provider, but the laboratories maintain the right to choose their provider. Ms. Kropilak volunteered to draft some language to this effect and send it to the committee to review. The discussion will be continued at a later date.

PT Review Board

Section 4.4.2 and 4.4.3 states that laboratory accreditation cannot be revoked without due process. The problem is that it may take a year for a laboratory to receive its due process in court. However, laboratories can lose their certification within 60 days. It was suggested that the committee find a way to “freeze the timeline” so that this does not happen.

Mr. Bob Graves reminded the committee of their discussion at the Fourth Interim Meeting about a review board/panel (“central referee”) that would manage the appeals process for NELAC. For

things that can affect accreditation, there needs to be some kind of review board within NELAC. It was noted that this will need to occur at a high level, not within the PT Committee, but with special technical advisors for PT. Ms. Burmeister stated that Chapter 6 has an accrediting authority review board (AARB) set up. Ms. Rhyne said that she will discuss with Ms. Betsy Dutrow the possibility of a formal recommendation to the NELAC Board of Directors for setting up a review board for proficiency testing.

The following language was suggested as an alternative:

If a person, who meets the qualifications described in Section 6.3.3.1(h), issues a written complaint to the Proficiency Testing Oversight Board (PTOB)/Proficiency Test Provider Accreditor (PTPA) (copy to the NELAC Director) about a PT Provider's sample, then no action regarding the accreditation status of the related laboratory (due to analysis of this sample) will be taken until the PTOB/PTPA has issued a final response to the complaint.

This provides a mechanism to “freeze” the timeline so that a laboratory does not lose accreditation, without setting up a review board. Limiting the right to issue complaints to “qualified” personnel, should eliminate frivolous complaints. It was also noted that a review board should not second-guess NIST as it could serve to discredit them if NIST disagrees. Due to shortness of time, the discussion was not resolved and it will be continued at a later date.

NEXT MEETING

The next meeting is currently scheduled for March 9, 1999.

**ACTION ITEMS
PROFICIENCY TESTING COMMITTEE MEETING
FEBRUARY 23, 1999**

Item No.	Action	Date to be Completed
1.	Ms. Michelle Kropilak will draft language to clarify Section 2.2.4.	3/19/99
2.	Ms. Anne Rhyne will discuss the possibility of a PT Review Board with Ms. Betsy Dutrow.	As soon as practicable
3.	PT Committee will continue discussion on mechanism to suspend action regarding accreditation status for complaints.	Next call

**PARTICIPANTS
PROFICIENCY TESTING COMMITTEE MEETING
FEBRUARY 23, 1999**

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